Self-Service Sale Of Tobacco Prohibited

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Children and youths will find it more difficult to obtain tobacco products in retail establishments with the enactment of a new county law which prohibits the self-service sale of tobacco products in Cortland County, according to health department officials.

Local Law No. 6 for 1997 was filed by the clerk of the legislature on Oct. 3; the law will become effective 60 days after filing.

Terry Gefell, supervising public health educator at the Cortland County Health Department, said Local Law No. 6 was enacted to build upon other tobacco use prevention efforts currently in effect to reduce youth tobacco use.

According to the law, "no person or retailer shall display or store tobacco in any manner for sale, storage, or distribution without charge, which permits direct customer access or self-service by a customer, whether by shelf display, kiosk, vending machine, or other means of open display." The law, as written, prohibits any type of open-access display or storage from which a minor could retrieve tobacco products by him or herself.

Pro-health advocates of reducing youth access to tobacco products from the Tompkins-Cortland-Cayuga Tobacco Control Coalition began the initial effort to get a ban enacted in the county. In early 1997, the coalition conducted a county-wide assessment of tobacco retail establishments which indicates that 79 percent of retailers have some form of self-service tobacco display.

In a different survey conducted by the Tobacco Control Coalition focusing on youth tobacco use behaviors, it was found that, on average, 33 percent of youths are using tobacco products regularly. This figure can fluctuate from 24 percent in grade seven to as high as 47 percent by senior high school. Of the reported users, 38 percent admittedly shoplift as a means of obtaining tobacco products.

Self-service tobacco displays are directly related to a minor's ability to access tobacco products, making it easier for illegal sales or shoplifting to occur, Gefell said. Placing tobacco products behind a service counter will result in a clerk-customer interaction increasing the likelihood of proofing during the sales transaction and reduce the incidence if shoplifting, she said.

Findings from the county surveys were presented to the Board of Health in May. Public Health Director Eric N. Johnson supports the decision made by the board to take action on the youth tobacco use problem in Cortland County.

Johnson said, "The Board of Health, in recommending this action to the county Legislature, took into consideration all of the programs currently in effect to discourage children and youth from obtaining tobacco products. The board concluded that banning self-service displays would add another effective barrier to youth access."

Enforcement of Local Law No. 6 will be conducted through two avenues. All peace officers within the county will be authorized to issue appearance tickets to any person or retailer found in violation of the law. The health department will also be authorized to enforce the law through administrative proceedings based on Article II of the Cortland County Sanitary Code, Gefell said.

Enforcement of the law is also a concern of Legislative Chairman Raymond E. Homer.

Homer said, "The county ban prohibiting the self-service sale of tobacco products was unanimously passed with strong support of all legislators who represent the county. Often new laws just sit there, but I hope this law will be enforced and that county retailers will be in compliance."

Local retailers will receive education and consultation through the health department. Information about the law will be distributed through an educational mailing expected to be out during the month of October. All retailers are strongly encouraged to read the packet to become familiar with the law and to understand the necessary steps to be taken for compliance.

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